

# Ohio Civil Rights Commission

Annual Report 2004



The Honorable Bob Taft, Governor

Pastor Aaron Wheeler, Sr., Chairman  
Jeanine P. Donaldson, Commissioner  
Altagracia "Grace" Ramos, Commissioner  
Nirmal K. Sinha, Commissioner  
Charles Winburn, Commissioner  
G. Michael Payton, Executive Director



*Bob Taft, Governor*

# Ohio Civil Rights Commission

---

2004 marks 45 years since the Ohio Legislature established the Ohio Civil Rights Commission, and 40 years since Congress passed the Civil Rights Act of 1964, and 50 years since the now historic *Brown v. Board of Education* cases, which ordered Southern schools to integrate “with all deliberate speed.” In recognition of the anniversaries, Ohio gathered to take stock of how much has been accomplished, and how much yet must be done to ensure equality for all. On April 28, 2004, The Ohio Civil Rights Commission hosted “Achieving the American Dream: The Next 40 Years” where Ohio city leaders and learned professors from OSU’s Moritz College of Law, University of Miami, and UC Santa Cruz, converged on Columbus to discuss ways to bridge the gap in achievement for minorities in areas such as housing and home ownership, employment, and health care. What resulted was a commitment and continuation of this roundtable discussion locally, and to develop a local plan of action.

This year we faced down challenges to equality, such as bringing water to a Zanesville community of African Americans who were denied running water from the city for over 20 years. Still battered from significant budgetary losses, the OCRC stands firm as a monument to things past and things to come. During 2004 we improved our website by upgrading it and giving it the capacity to receive charges of discrimination on-line. 2005 will bring even more technological advances such as a Spanish language website. Additionally, we forged partnerships with local community serving organizations and with government, and we have encouraged and developed our remaining staff, which has proven to be a sustaining factor of our success.

We thank Governor Bob Taft and his administration for supporting this agency at the dawn of a new era, as we rise to meet the needs of our great state, increasingly rich in diversity and ability.

FOR THE COMMISSION

G. Michael Payton  
Executive Director

Pastor Aaron Wheeler, Sr.  
Chairman

# The Legislative Mandate

The Ohio Civil Rights Commission was established in July 1959 by the Ohio Legislature to enforce state laws against discrimination as specified in Chapter 4112 of the Ohio Revised Code. The Commission receives and investigates charges of discrimination in employment, public accommodations, housing, credit and disability in higher education on the basis of race, color, religion, sex, national origin, disability, age, ancestry or familial status. It has the authority to demand access to records, premises, documents, evidence or possible sources of evidence, and to record testimony or statements from individuals. The Commission is empowered to issue subpoenas, interrogatories and cease and desist orders, hold public hearings, collect monetary benefits, and has statutory authority to:

- initiate investigations of discriminatory practices;
- formulate policies to effectuate the purposes of Chapter 4112 of the Ohio Revised Code, and make recommendations to agencies and offices of the state or local subdivisions of government to effectuate such policies;
- make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, national origin, handicap, age, ancestry or familial status on the enjoyment of civil rights by persons within the state;
- receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited;
- prepare a comprehensive educational program, in cooperation with the Ohio Department of Education, for the students of Ohio's public schools and for all other residents of Ohio, that is designed to: eliminate prejudice on the bases of race, color, religion, sex, national origin, handicap, age, ancestry or familial status, further good will amongst those groups and emphasize the origin of prejudice against those groups and its harmful effects.

The Commission consists of a five-member board of Commissioners and approximately 140 employees. Commissioners are appointed to five-year terms by the Governor with the advice and consent of the Senate. By law, no more than three Commissioners can be of the same political party. The Governor designates one of the Commissioners to serve as the Chairperson. The Commissioners are responsible for selecting the agency's Executive Director, who implements the policies and decisions of the Commission and is responsible for the day-to-day operation of the agency. Commissioners serve as the final arbiter in the investigatory process and meet regularly to rule on recommendations from the Commission's six regional offices regarding charges of discrimination.



**Pastor Aaron Wheeler, Sr.  
Chairman (Columbus)**

Appointed Commissioner September 2000 and appointed Commission Chairman February 2001. His current term expires July 2005.

## The Chairman and Commissioners



**Altagracia "Grace"  
Ramos (Beavercreek)**

Appointed Commissioner March 1991 and reappointed August 1994, July 1999 and July 2004. Her current term expires in July 2009.



**Nirmal K. Sinha  
(Worthington)**

Appointed Commissioner April 1991 and reappointed July 1993, July 1998 and August 2003. His current term expires July 2008.



**Charlie Winburn  
(Cincinnati)**

Appointed Commissioner February 2001 and reappointed July 2001. His current term expires July 2006.



**Jeanine P. Donaldson  
(Lorain)**

Appointed Commissioner October 2002. Her current term expires July 2007.

# Executive Management Team



**G. Michael Payton** has been Executive Director of the Ohio Civil Rights Commission since July 2001. Mr. Payton oversees and directs 140 employees statewide in the agency's Central Office and six regional offices in Akron, Cincinnati, Cleveland, Columbus, Dayton and Toledo.

Mr. Payton previously served as Chief Legal Counsel and Director of Regional Operations for the Commission from 1997 to 2000. He has also served as an Assistant Attorney General for the State of Ohio for 11 years from 1984 to 1995. During his tenure as an Assistant Attorney General, he served as Counsel to the Ohio Civil Rights Commission and conducted administrative prosecutions. In addition, he served as Assistant Chief of the Attorney General's Transportation Section where he conducted litigation as a defense counsel in a variety of areas including employment law. Mr. Payton received a Bachelor of Arts from The Ohio State University and a Juris Doctorate in 1983 from the Georgetown University Law Center.



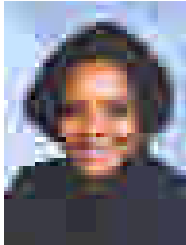
**Keith P. McNeil** has been Regional Counsel and Director of Regional Operations since October 2001. Mr. McNeil has been with the OCRC since 1980 and served as Regional Director for the Akron office from 1994 through 2001. Other than a year sabbatical to practice criminal and family law, his entire career has been devoted to the enforcement of Ohio's civil rights laws. Mr. McNeil is a member of both the State of Ohio and US District Court for the Northern District of Ohio Bar Associations. He attended the University of Akron where he received his Bachelor of Arts in 1978. He also earned his Juris Doctorate from the University of Akron in 1981.



**Matthew D. Miko** currently serves as Chief Legal Counsel as well as the Director of Human Resources and Enforcement for the Ohio Civil Rights Commission. Mr. Miko previously served as an Assistant Attorney General in the Civil Rights Section of the Ohio Attorney General's Office from 1997 through 2001 and as an Assistant State Solicitor in the Ohio Attorney General's Office from 2000 through 2001. Mr. Miko received his Bachelor of Arts in 1994 and his Juris Doctorate in 1997, both from The Ohio State University.



**Christia Alou White** joined the Ohio Civil Rights Commission in early 2004 as the Director of Public Affairs. Mrs. White is a graduate of Howard University in Washington, DC where she received her Bachelor of Arts in Broadcast Journalism. She worked in the nation's capitol for the Congressional Hispanic Caucus Institute as a media and public affairs specialist while obtaining her Juris Doctorate from the University of Maryland School of Law. Mrs. White practiced labor and employment law before her most recent position with District of Columbia Mayor Anthony A. Williams' administration where she served as Interim Director to the Office on Latino Affairs before moving to Columbus.



**Josie T. Woods** is the Chief Fiscal Officer, Division of Finance. Mrs. Woods joined the Ohio Civil Rights Commission in January 1997 as an assistant to the fiscal officer. In 1998 she became the Chief Fiscal Officer. Prior to joining the Ohio Civil Rights Commission, Mrs. Woods served as a budget officer for the Ohio Department of Development from 1989-1997. She has worked at other state agencies including the Department of Mental Health and the Department of Health. Mrs. Woods received a Bachelor of Science in Business Administration from Franklin University and a Master of Science in General Administration from Western Michigan University.

## Mission Statement

*We are the Ohio Civil Rights Commission,  
primary educator and enforcer of Ohio's Laws Against Discrimination.*

*We will be professional, competent and fair to our clients and all Ohio  
citizens as we educate the public and investigate claims of discrimination. It is our role to  
be a strong force in promoting positive human relations among our diverse population.*

*We value our employees for their skills, commitment and creativity.  
We will provide a work environment based on empowerment, mutual respect and honesty  
for all employees. We will create a culture where continuous learning is valued and  
opportunities for training and professional growth are provided to all employees.  
We will incorporate technological innovations and processes in achieving our mission.*

# Regional Directors and Regional Offices

## Akron Regional Office



Diane E. Citrino is the Director of the Akron Regional office. Her office serves 14 counties in northeastern Ohio with a staff of 20 employees. During fiscal year 2004 the Akron region received 943 charges of discrimination.

In 2004, Ms. Citrino received the Individual Achievement Award from The Housing Advocates, Inc. for her work on behalf of Ohio citizen's fair housing rights and has co-authored several publications on discrimination. Regional Director Citrino received her Bachelor of Arts from Brown University in Providence, Rhode Island where she majored in English and American Literature. She received her Juris Doctorate from the University of California, Berkley.

Akron Government Building, Suite 205  
161 South High Street  
Akron, Ohio 44308

Telephone: 330-643-3100  
TTY: 330-643-3100  
Fax: 330-643-3120

Office hours Monday through Friday  
8:00 am to 5:00 pm

## Cincinnati Regional Office



H. Jean Marshall-McEntire is the Cincinnati Regional Director for the Ohio Civil Rights Commission. She has distinguished herself both in her profession and as a community leader. As Regional Director she leads a staff of 12 employees that, during fiscal year 2004, received 597 charges of discrimination from 16 counties.

She is a graduate of the University of Cincinnati, with a Bachelor of Science degree in Psychology.

Some of her previous positions include teacher of public and parochial schools, former sales manager, account executive for a foreign company, vice-president of a worldwide company, and project director for the Coalition of Neighborhoods. She has developed an anti-drug program for schools that teaches young people how to make wise choices.

In January 2004 she was recognized with the Profiles in Courage Award, sponsored by the 5/3 Bank, WCPO TV and the Urban League of Greater Cincinnati for her courage in overcoming difficulty.

Corporate Tower  
7162 Reading Road, Suite 1001  
Cincinnati, Ohio 45237

Telephone: 513-852-3344  
TTY: 513-852-3344  
Fax: 513-852-3357

Office hours Monday through Friday  
8:00 am to 5:00 pm

# Regional Directors and Regional Offices

## Cleveland Regional Office



Iris Choi joined the Commission's Toledo Regional Office in 1989 as an Investigator. She was promoted to Reconsideration Supervisor of the Cleveland office in 1992, Chief Supervisor of that office in 1993, and Cleveland Regional Director in 1994.

Ms. Choi's educational background includes a Bachelor's degree in Business Administration and Sociology, an MBA in Personnel Management, and

a Juris Doctorate from the University of Toledo.

The Cleveland office serves 10 counties in north and northeastern Ohio and has 15 employees. During fiscal year 2004 the region received 722 charges.

885 Lausche State Office Building  
615 W. Superior Avenue, 8th Floor  
Cleveland, Ohio 44113

Telephone: 216-787-3150  
TTY: 216-787-3549  
Fax: 216-787-4121

Office hours Monday through Friday  
8:00 am to 5:00 pm

## Columbus Regional Office



Beleta Ebron has served as Columbus Regional Director for the Ohio Civil Rights Commission for ten years.

Ms. Ebron has worked for the Commission for twenty-five years and previously served as an Investigator, first-line Supervisor and Chief Supervisor.

Ms. Ebron received her Bachelor of Science degree in Psychology and Sociology from Capital University in Columbus.

The Columbus office serves 20 counties in central and southeastern Ohio and has 20 employees. During fiscal year 2004 the region received 875 charges.

1111 East Broad Street,  
Suite 301  
Columbus, Ohio 43205-1379

Telephone: 614-466-5928  
TTY: 614-752-2391  
Fax: 614-466-6250

Office hours Monday through Friday  
8:00 am to 5:00 pm



# Regional Directors and Regional Offices

## Dayton Regional Office



Marguerite Tyler Walker is the Dayton Regional Director of the Ohio Civil Rights Commission. She is a graduate of the University of Dayton (MA Ed.), Columbia University (MSW), North Carolina Central University (BA), and has completed requirements in Advanced Mediation at Capitol University.

As Regional Director, Mrs. Walker has spearheaded a variety of innovative educational and outreach programs. She is the creator and Executive producer of the Commission's television program "Many Faces One Cause." The program highlights the

Commission's operations, the laws it enforces, and introduces special program initiatives of the Commission. Because of her commitment to literacy, Mrs. Walker serves as a Board Member and Officer of the Miami Valley Literacy Council.

The Dayton office serves 14 counties in western Ohio and has 11 employees. During fiscal year 2004 the region received 572 charges.

## Toledo Regional Office



Darlene Sweeney-Newbern is the Toledo Regional Director of the Ohio Civil Rights Commission. She has over 14 years experience in investigating and supervising fair housing and employment issues. She has also investigated and/or supervised insurance redlining charges against major insurance companies and mortgage providers.

Ms. Newbern has worked closely with the Ohio Attorney General's Office, advocacy groups and civil rights enforcement agencies in Indiana, Illinois, Pennsylvania and Ohio

to educate, train and provide assistance in investigating various housing charges. She was a presenter at the U.S. Department of Housing and Urban Development's National Fair Housing Conferences in 2000, 2002 and 2003 as well as various conferences around the United States. Ms. Newbern received a bachelor degree in Business from the University of Toledo.

The Toledo office serves 14 counties in northwestern Ohio and has 19 employees. During fiscal year 2004 the region received 892 charges.

1900 Miami Valley Tower  
40 West 4th Street  
Dayton, Ohio 45402

Telephone: 937-285-6500  
TTY: 937-285-6500  
Fax: 937-285-6606

Office hours Monday through Friday  
8:00 am to 5:00 pm

## Springfield Satellite Office

(Managed by the Dayton Regional Office)

76 East High Street, 2nd Floor  
Springfield, Ohio 45502  
Telephone: 937-324-7380

Office Hours are Monday  
9:00 am - 5:00 pm

One Government Center, Suite 936  
Jackson and Erie Streets  
Toledo, Ohio 43604

Telephone: 419-245-2900  
TTY: 419-245-2900  
Fax: 419-245-2668

Office hours Monday through Friday  
8:00 am to 5:00 pm

## Charges Filed by County



During State Fiscal Year 2004, 4601 charges were received from 86 different counties

# Timeline of Ohio Civil Rights Laws

## **April 1958**

Governor C. William O'Neill appointed Ohio's first official statewide Governor's Advisory Commission on Civil Rights  
Charles Y. Lazarus served as Chairman

## **December 1958**

Governor's Advisory Commission on Civil Rights recommends that the State of Ohio establish a State Civil Rights Commission to address the problem on civil rights on a continuing basis

## **July 29, 1959**

Governor Michael V. Disalle signed into law enabling legislation creating the Fair Employment Practices Commission for Ohio  
Law passed prohibiting discrimination in employment on bases of race, color, religion, national origin and ancestry  
First Executive Director - Frank Baldau

## **1961**

First Regional Office opened in Bellaire, Ohio. First Regional Director - Ellis L. Ross  
Name changed to Ohio Civil Rights Commission

## **October 1961**

Enactment of law prohibiting discrimination in places of public accommodation

## **October 1965**

Enactment of law prohibiting discrimination in housing

## **November 1969**

Housing discrimination law amended and broadened  
Enactment of law prohibiting discrimination in burial lots

## **December 1973**

Enactment of law prohibiting discrimination by reason of sex

**January 1976**

Enactment of law prohibiting discrimination in credit

**July 1976**

Enactment of law prohibiting discrimination by reason of disability

**August 1976**

Enactment of law prohibiting discrimination by reason of age in credit

**November 1979**

Law prohibiting discrimination by reason of age broadened

**July 1984**

Enactment of law prohibiting discrimination by institutions of higher education by reason of disability

**September 1987**

Housing discrimination law amended and broadened

Commission given authority to award actual damages and permits an award for punitive damages up to \$5,000.00

Commission given authority to seek Temporary Restraining Order

**May 1990**

Age law amended to cover individuals 40 and over

**June 1992**

Housing law amended to add familial status as a protected class to bring state into conformity with Title VIII of the Fair Housing Act of 1968

Housing law further amended and broadened

State law amended to bring it into conformity with the Americans With Disabilities Act of 1990

**December 1999**

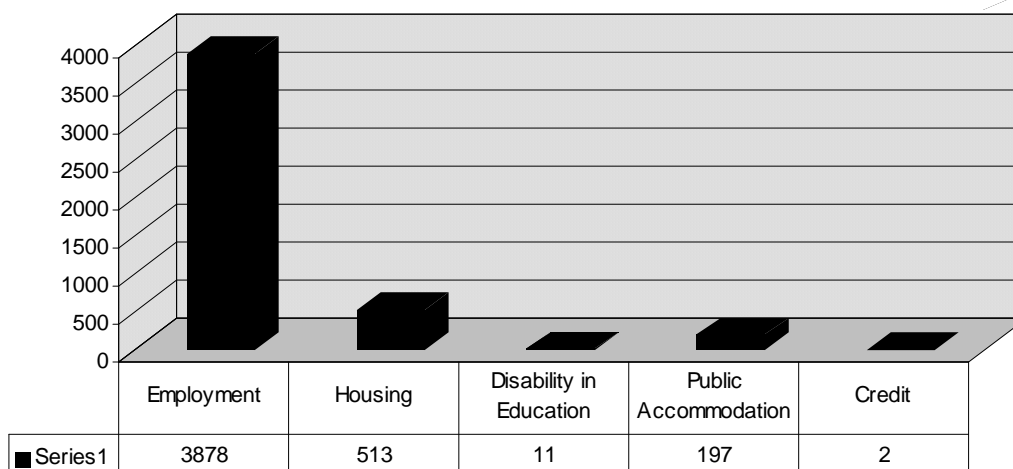
Law amended to substitute the term "disability" for the term "handicap" in the Ohio Civil Rights Commission Laws and certain other related laws

## Filing a Charge with the Ohio Civil Rights Commission

Anyone who lives or works in Ohio and feels that he/she has been subjected to unlawful discrimination can file a charge with one of OCRC's regional offices located in Akron, Cincinnati, Cleveland, Columbus, Dayton and Toledo; with OCRC's Springfield satellite office or online at [www.crc.ohio.gov](http://www.crc.ohio.gov). Such complaints must be filed within six (6) months (or one year for housing complaints) of the alleged act of discrimination.

OCRC may also self-initiate an investigation in employment and housing cases based on preliminary information indicating that there may be a pattern or practice of discrimination. In any event, OCRC must make a finding within one (1) year after a charge is filed.

Types of Charges Filed



# Alternative Dispute Resolution (Mediation)



From l to r: Leon Adams, ADR Administrator, Mediators Brad Adams (Toledo), Jacqueline Tolbert (Cincinnati), Sonya Howard (Akron) and Martha Damm (Columbus). Not pictured are Eva Bess (Cleveland) and Kathy Haley-Ross (Dayton).

The Alternative Dispute Resolution Unit (ADR) plays a key role in the Ohio Civil Rights Commission's efforts to effectively and efficiently resolve hundreds of discrimination charges on an annual basis. Highly trained and experienced mediators are available in each of the agency's six regional offices. The parties to a discrimination charge are encouraged to work proactively in order to reach a mutually acceptable outcome, i.e., a "win-win" resolution. In most instances, a successful mediation takes only a fraction of the time necessary to conduct a typical investigation, usually no longer than 30 days. This past year, the ADR Unit conducted 835 mediations, resolved 652 cases, resulting in a success rate of 78%.

Recognizing the accomplishments of the ADR Unit, the agency was invited to participate in a national conference sponsored by the U.S. Equal Employment Opportunity Commission for the specific purpose of providing guidance to other state civil rights agencies in developing alternative dispute resolution programs. The Ohio Civil Rights Commission is one of only a handful of state civil rights agencies that contracts with the federal government to mediate cases filed with the U.S. Equal Employment Opportunity Commission. The Commission will continue its commitment to the principles of mediation and the efficient, voluntary resolution of what can otherwise be adversarial and time-consuming legal disputes.

# The Partnership Committee

The Partnership Committee consists of several members from the Ohio Civil Rights Commission and the Ohio Attorney General's Office. Given the respective investigation/prosecutorial roles of the two offices, the Partnership Committee's purpose is to improve the overall quality of services the Commission provides, from the filing of a Charge of Discrimination through an appeal to the Ohio Supreme Court.

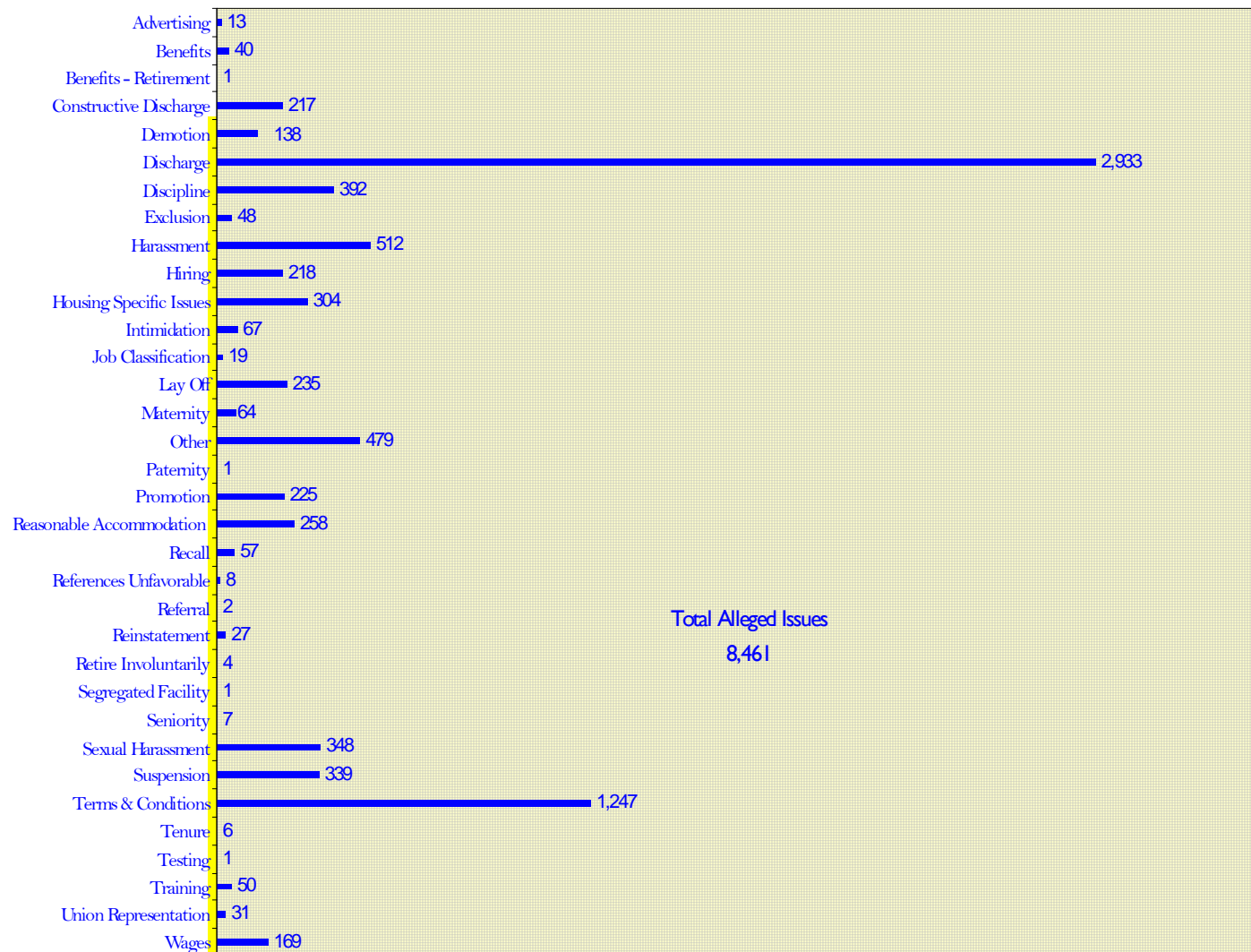
Working together, the Partnership Committee has spearheaded several major initiatives, including new ways to investigate cases and take charges. Under the Task Force model a team of Investigators meets with an Assistant Attorney General, and the group jointly analyzes each charge. With each member's input, the team reaches the best decision. The primary goal of the task force is to improve the quality of the investigation and decision making process, it also has efficiency measures built into the system. Initial results have been positive as the amount of time it takes to investigate a charge has been reduced from an average of 160 days to 124 days. The number of charging party appeals decreased from 285 to 253. The number of cases that were in the investigative process for over nine months decreased from 8.6% to 5.9% of our open inventory.

In addition, the Partnership Committee is rolling out a new system of intake that will streamline and economize the charge-filing process. With this innovation the Partnership Committee is furthering its efforts to make the Commission's services more efficient and more accessible to those who need them. In the areas that the new system has been implemented, the percentage of citizens using the process has increased by nearly 25%.

Finally, the Partnership Committee has fully implemented two other significant changes. It has revised the investigation report to make it more informative to the parties involved. Also, in conjunction with the Compliance Department, it has devised a paperless system that saves time and resources by transferring reports from the regional offices to central office electronically.

# Charges Filed - July 1, 2003 through June 30, 2004

## Alleged Issues



When a charge is filed, the responsibility for the investigation is assigned to a Civil Rights Investigator. During the investigation, the investigator will discuss allegations in detail with the Charging Party (person filing the charge) and will also contact the Respondent (the person or company responsible for the alleged act of discrimination).



# Office of Special Investigations



Brandi Klein,  
Investigator, OSI

The Office of Special Investigations (OSI) undertook investigations into some of the most monumental and complex cases to come before the Ohio Civil Rights Commission. Of these cases, none better epitomizes the entrenched, institutionalized nature of discrimination than the case that arose outside of the City of Zanesville. Numerous residents living just outside the city limits complained that they had been denied the privilege of public water service because they are Black and reside in predominantly Black neighborhoods. After an extensive investigation, the Office of Special Investigations determined that three public water authorities were responsible for denying water service to these residents. Following this determination, the City of Zanesville began a public works project to provide water services to the neglected areas. Today these residents have running water.

In another significant case, OSI investigated a case involving a discriminatory job advertisement on a website operated by the Vanguard News Network, a hate/extremist group. The website, overrun with racial and ethnic slurs and other expressions of intolerance, posted an advertisement that read, "Racially conscious, master-degreed, white male... seeks position where he can think non-PC thoughts . . . Cleveland, Ohio, area but will highly consider relocation." OSI served legal notice to this "so-called" news organization that the right to espouse hatred and bigotry does not include the right to perpetuate or facilitate discriminatory employment practices.

Finally, OSI received and investigated charges alleging that several insurance companies created geographic rating territories and assigned homeowners insurance rates in a manner that unlawfully discriminated against Black and Hispanic homeowners and their respective communities. The comprehensive investigation that followed included an extensive analysis of the practices and actuarial principles of the insurance industry, numerous witness interviews and a review of thousands of pages of documentation. After using every available resource, OSI concluded that the insurance practices under review did not adversely impact minorities or minority communities and that there was no probable cause to believe that these insurance companies had engaged in unlawful discriminatory insurance practices, either by design or effect.

# from the The New York Times

Tuesday, February 17, 2004

ZANESVILLE, Ohio - In January, a strange thing happened when people along Coal Run Road turned on their taps. Drinking water came out. Not the sulfur-tinged, bug-infested stuff that collected in their cisterns or swirled in their wells. Cool, clean, straight-from-the-pumping-station city water.

For most of their lives, residents of this tiny hollow on the edge of town lived a bit like frontiersmen, keeping drinking water in jugs, collecting rainwater in barrels, even occasionally melting snow from their yards, all because they did not have city water service.

"I never thought I'd live to see it," said Helen McCuen, an 89 year-old widow who has lived in the hollow for 57 years.

The story of how they got that water, and were for years denied it, seems anachronistic in 21st-century America. But it speaks volumes, the residents contend, about disparities in living standards that are related to the color of one's skin.

For years, decades really, residents of the hollow had been asking local officials to extend water lines down their narrow, twisting roads. Not enough water pressure, they were told. Too expensive. Too hilly.

Yet just up the hill, not 200 yards away, homeowners have had running municipal water for years. One new homeowner even installed a hot tub and routinely sprinkled his lawn, something residents of the hollow could never do with their 1,000-gallon cisterns, which were constantly running dry.

Almost all the people living at the top of the hill are white. Almost all the people in the hollow are racially mixed: white, black and American Indian. And it increasingly seemed to residents of the hollow that this had something to do with their plight.

"The water stopped where the black folks started," said Sandra McCuen, 49, one of Helen McCuen's seven children. "I don't want to use the race thing, but what else could it be?"

In 2002, two dozen residents filed a complaint with the Ohio Civil Rights Commission, asserting that they had been denied water service because of racial discrimination. Last summer, the commission agreed.

The commission found that on Coal Run Road, none of the 17 black or mixed-race homes had city water service, while two white homes did. On nearby Langan Lane, all of the 18 white homes on top of the hill had city water, while five of the eight black or mixed-race homes in the hollow did not. (The other three families had connected to the municipal lines by themselves.)

The commission concluded there was probable cause to believe that the city, county and local water authority had "failed to provide the complainants with access to public water service because of their race."

One month after the report was released, Muskingum County announced it had found enough money to issue a \$730,000 contract to extend water lines into the hollow. (Officials had used a much higher estimate — \$2 million — when they told hollow residents a few years ago that it was too expensive to connect them to the water system, residents said.)

Government officials say race had nothing to do with the lack of water service in the hollow. But they have also begun blaming one another.

City officials contend that a now-defunct water authority removed the hollow from its service area many years ago, leaving responsibility for water to the city. But Zanesville, a city of 28,000 people, decided it could not extend lines into the hollow because it lies just outside the city limits, said Scott Hillis, the city's law director. The city assumed that the county would provide the water.

But Muskingum County officials contend they did not become aware of the hollow's situation until two years ago. (Zanesville officials said they told the county of the hollow's requests at least eight years ago.)

County officials also contend they have not had enough money to meet the county's needs, since about half of its residents — most of whom live in remote rural areas — do not have running water.

"As far as I'm concerned the suit is ludicrous," said

Dorothy Montgomery, a Muskingum County commissioner. "There is nothing done by the commissioners that is based on black or white."

Zanesville, 60 miles east of Columbus, was founded 200 years ago as a way station for migrants moving from Virginia to Kentucky. It became famous for its clay pottery and Y-shaped concrete bridge over the Muskingum and Licking Rivers, but fell on hard times after World War II as many of its kilns and mills closed.

Before the Civil War, the underground railroad ran through the city. But city businesses remained segregated until the late 1950's, residents said. And the Ku Klux Klan has been active for decades, holding small rallies in the region as recently as the late 1990's.

The denial of water service "wasn't in-your-face racism," said Vincent Curry, executive director of Fair Housing Advocates Association, a group based in Akron that helped the residents file their complaint. "This was more, 'We won't respond to you because we don't care about you.'"

Until January, Helen McCuen paid a "water man" to fill a cistern buried in her front yard twice a month. And until the 1980's, when she finally bought an electric pump, she and her children used a hand pump and pail to bring water into the house. Drinking water was bought by the jug. And if supplies ran low, the family rationed baths and caught rain in barrels.

"I didn't think I could get used to drinking water out of the tap," Ms. McCuen said, sitting in her cozy living room surrounded by photographs of grandchildren and great-grandchildren. "But I did."...

... "They stereotyped us as poor, uneducated black folks who didn't have enough sense to ask for water," said Cynthia Hairston, a nurse who grew up along Coal Run Road, left for two decades and then returned with her husband three years ago. "And then we did. And they said: 'Where did they come from? We thought we had pushed them back into the corner.'"



Residents gathered around the cistern that one resident used regularly for 60 years until January 2004 when public water service finally reached their community outside Zanesville, Ohio. Photo by Matt Sullivan for The New York Times. Reprinted with permission

## Division of Hearings



The OCRC's Hearing Division is responsible for conducting administrative hearings as required by Chapter 4112. Denise M. Johnson (pictured left) is the Chief Administrative Law Judge for the Commission. Hearings are statutorily required to be held in the county in which the alleged discriminatory conduct occurred.

The role of the administrative law judge is to act as an independent, objective fact finder and make legal recommendations to the Commissioners. The Hearing Division is located within the Ohio Civil Rights Commission Central Office, thus the Executive Staff safeguards the independence and integrity of the unit by shielding it from Commission business involving pre-complaint matters.

After the Commission issues a complaint and notice of hearing, the Hearing Division conducts pre and post hearing matters that include motions, status conferences, and the issuance of reports to the Commissioners.

The Attorney General represents the Commission at the administrative hearing and presents the evidence in support of the Commission's complaint. Respondent has the right to present evidence at the hearing and to be represented by legal counsel. The Complainant is a party to the Commission's Complaint but does not have the right to present evidence at the hearing.

During fiscal year 2003-2004, 13 (thirteen) hearings were held and seven hearing reports and recommendations were submitted to the Commissioners for their consideration and action. Of the seven reports issued, the following recommendations and actions were taken by the Commissioners:

- (1) Garry Zuelsdorf v. Aircraft Braking Systems, #9174 (Akron), employment/disability. Dismissal adopted by the Commission on 2/19/04, final order issued, 4/1/04
- (2) Tammy A. Greer-Burger v. Laszio Temesi D/B/A Village Sq. Jewelers, #9148 (Cleveland), employment/retaliation. Cease and Desist adopted by the Commission on 7/10/03
- (3) Tracy Johnson v. Delrob, Inc. & Robert R. Thompson, # 8938 (Cleveland), housing/familial status. Dismissal rejected by Commission. Final Order of Cease and Desist issued by Commission on 11/18/04
- (4) Rosalyn Greene v. Hellena Villemain & Villemain Realty, #8915 (Akron), housing/race/refusal to negotiate. Cease and Desist adopted by the Commission on 1/8/04, final order issued 1/8/04
- (5) Shwana Garner v. Barry Kirby, #9361 (Cincinnati), housing/familial status. Cease and Desist adopted by the Commission on 6/3/04, final order issued 6/3/04
- (6) Bernardo Smith v. Metropolitan Metro Housing Authority, #9407 (Warren), employment/retaliation, Cease and Desist adopted by the Commission on 8/12/04, final order issued 10/7/04
- (7) Douglas and Mindy Watson & Miami Valley F.H. Center v. E. Dwayne Brewer & Jim Moore, #9407 (Dayton), housing/familial status (default hearing). Cease and Desist adopted by the Commission on 6/30/04, final order issued 8/12/04

Respondents filed objections to four of the five cease and desist recommendations prior to the Commission's issuance of final orders. It is anticipated that appeals to those decisions will be filed pursuant to R.C. 4112.06.

# Office of Public Affairs and Community Service

The Office of Public Affairs (OPA) carries out the Ohio Civil Rights Commission's mandate as it relates to raising public awareness of civil rights and responsibilities. Led by Christia Alou White, Director of Public Affairs, who serves as the agency spokesperson, OPA vigorously pursues the OCRC's mission to inform Ohioans about their civil rights and address their concerns and comments back to policymakers. OPA accomplishes this in a variety of ways:

## **MEDIA RELATIONS**

OPA coordinates media outreach enabling Ohioans to hear directly from key OCRC officials through local, regional and national media interviews. It coordinates press briefings, regional media and media outreach, and renders position statements on behalf of the OCRC.

## **ELECTRONIC INFORMATION AND PUBLICATIONS**

OPA manages, designs, develops and prepares information content for the agency's website, [www.crc.ohio.gov](http://www.crc.ohio.gov). OPA also maintains and develops publications such as the OCRC annual report, informative brochures and flyers, a quarterly newsletter, biographies for OCRC officials, as well as photographs for agency use.

## **PUBLIC LIAISON**

OPA creates and coordinates opportunities for dialogue between the OCRC and the general public to improve public awareness of, and involvement in the Ohio Civil Rights Commission, Ohio Revised Code 4112, and its work. Giving presentations, speeches, and interviews, OPA also coordinates speaking engagements for the OCRC. It arranges special-issue briefings and forums in response to important civil rights developments and major U.S., Ohio and local policy initiatives with OCRC regional offices.

## **INTERGOVERNMENTAL AFFAIRS**

OPA is devoted to collaborating with national, regional and local organizations representing state and locally elected officials including the governor's office, Ohio city mayors, state legislatures, city councils, national and state organizations representing minority elected officials, and elected officials individually. OPA arranges and provides briefings and information on state policy issues, markets and trends.

OPA's intergovernmental and legislative affairs directives will not only ensure that the Ohio General Assembly is knowledgeable about the OCRC and its policy/legislative agenda, but will collaborate with other agencies and organizations for the citizens of Ohio.

The Office of Public Affairs and Community Service consists of:

Christia Alou White, Director  
Carol Hall, Training and Education Administrator  
Drema Brown, Education Administrator  
Karundi Williams, Legislative and Public Affairs Officer  
Ruth Robinson, Telephone Operator



# Public Service, Outreach and Commitment to Education



Diversity Bear and Director Payton joined Mayor Michael Coleman and others in a Black History Month program at Reeb Elementary School in Columbus



Wright State University Director of Affirmative Action, Dr. Juanita L. Wehrle-Einhorn, accepts a community service award on behalf of honoree Alyce Jenkins at the Commission's April 1st meeting held on the Wright State University Campus. Presenting the award is Dayton Regional Director, Marguerite Walker along with Chairman Wheeler, Commissioners Ramos, Winburn and Donaldson, and Director G. Michael Payton



Hispanic Outreach Seminar sponsored by the Commission's Office of Special Investigation. Commission Chief Legal Counsel, Matt Miko, presented



Housing Coordinator Ronnell Tomlinson, Conference Presenters Dr. Rodney Coates and Dr. George Lipsitz and Director G. Michael Payton hold a pre-conference meeting at the OCRC Fair Housing Conference in April



Drema Brown from the Office of Public Affairs at the Ohio State Fair. The Commission provides educational and promotional information about Ohio's Laws Against Discrimination



Columbus Regional Office staff at the first Community Fair sponsored by their office. Front row - Annette Crockett, Laura Fulcher, Anita Jackson. Rear - Foday Kenneh, Beyan Asoba, Judia Brown

Essay winners of the Statewide Martin Luther King, Jr. Art and Essay contest sponsored each January by the Commission are Steven George, Jennifer Drombetta, Emily Green and Alicia Ehrhart



Poster/Art winners of the Statewide Martin Luther King, Jr. Art and Essay contest sponsored each January by the Commission are Natasha Balduff, Breann Korkapa, Isaiah Williams and Ana Keck

# Public Service, Outreach and Commitment to Education



Chairman Wheeler with Columbus Investigator Chris Harris and his son, Kellen, during a reception for "Bring Our Children to Work Day"

Director Payton addresses the student audience at the Commission meeting held on the Wright State University campus



Several local community leaders were recognized during the September Commission meeting in Lorain.



Commissioners from the Michigan Civil Rights Commission were guests at the June 3rd Commission Meeting, held in Toledo. From l. to r. Director Payton, OCRC Commissioner Winburn, MCRC Counsel George Wirth, MCRC Commissioners Mark Bernstein and Mohammed Addrabbah, OCRC Commissioners Donaldson and Sinha and OCRC Chairman Wheeler



Following the June 3rd Commission meeting in Toledo, the Commissioners opened the floor for public comment on the relocation of a Toledo home located on the Underground Railroad



From l to r: Cleveland Regional Director, Iris Choi, Dr. Sunil Dutta (NASA) Chairman Wheeler, Awatef Assad, community activist and Commissioner Sinha at the June 24th Commission Meeting held in Parma



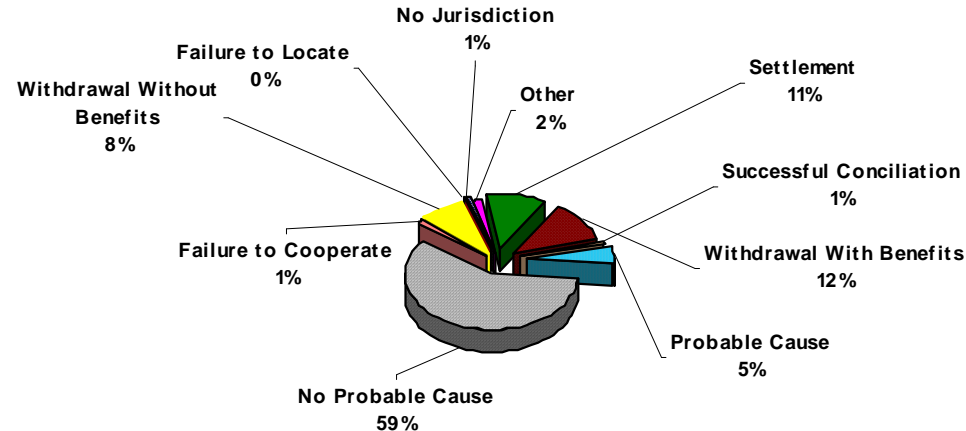
Students from Centennial High School (Columbus) visit with Dayton Regional Director, Marguerite Walker before a Commission Meeting



Diversity Bear is always a popular guest and posed for lots of photos at the Ohio State Fair

# Case Dispositions

Types of Charges Closed July 1, 2003 Through June 30, 2004



When the investigator has accumulated enough evidence to support a recommendation, it is presented in written form to the Investigator's Team Leader for submission to the Commissioners, who must approve the report before it becomes the official finding of the Commission. Based on the information obtained during the investigation, a charge may be closed with one of the following recommendations:

**Settlement and Withdrawal of Charge with Benefits** can be reached at any time after a charge of discrimination has been filed. All parties are offered the opportunity to resolve their dispute through our mediation services. Both the charging party and the respondent must agree to the settlement. Approximately 78% of all charges electing mediation are successfully resolved.

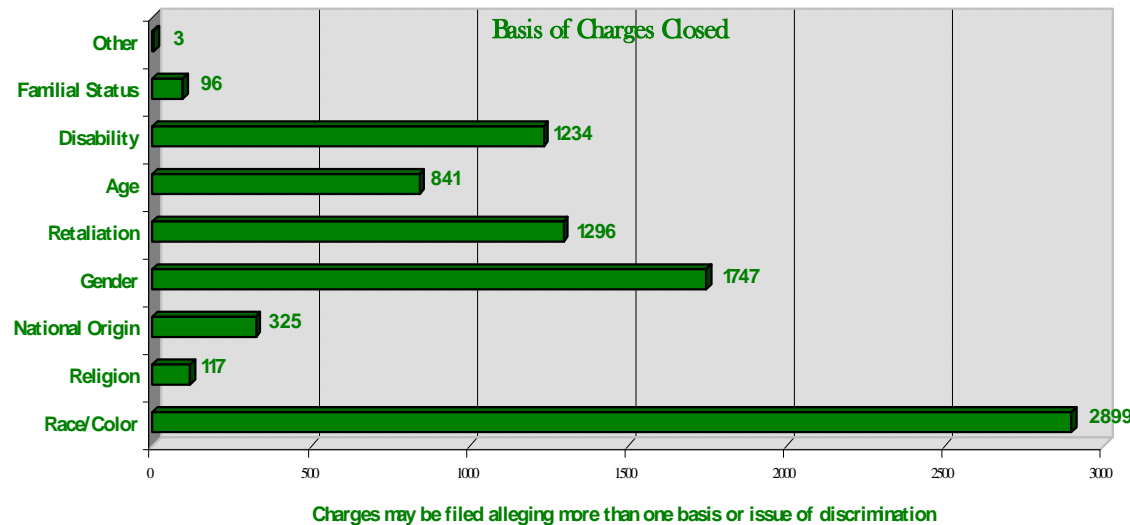
**Administrative Resolution** includes cases where the charging party elects to withdraw the charge and/or pursue the claim through the court system, charging party cannot be located or, the charge is deemed non-jurisdictional for the agency.

**Successful Conciliation** is a settlement reached after a preliminary finding of Probable Cause.

**Probable Cause** findings are issued after the investigation reveals that there is sufficient evidence to establish, more likely than not, a discriminatory act took place. OCRC attempts to conciliate these charges and reach a settlement. When conciliation attempts fail, the charge is referred to the office of the Ohio Attorney General and, if necessary, a public hearing is held.

**No Probable Cause** findings are issued after an investigation concludes that the evidence failed to establish that, more likely than not, a discriminatory act took place.

# Case Dispositions



A **Request for Reconsideration** may be granted after the Commission makes its determination on the charge and one of the parties believes the evidence did not prove the finding. Both sides have the right to appeal that finding and, if they choose, may appear before the Commissioners to explain their position.

Settlements	560
Withdrawal With Benefit	580
Successful Conciliations	52
Probable Cause	254
No Probable Cause	2922
Failure to Cooperate	53
Withdrawal Without Benefits	415
Failure to Locate	4
No Jurisdiction	37
Other	88
<b>Total Closures</b>	<b>4965</b>
 Total Number of Probable Cause Findings	 254
Charges Resolved after the Probable Cause Finding	64
Still Pending Final Resolution as of June 30, 2004	190

The Charging Party or the Respondent can appeal the Final Order of the Commission by petitioning the Court of Common Pleas for a Judicial Review. The petition must be filed in the county where the act of discrimination occurred or in the county where the Respondent resides or transacts business. Either party can pursue appeals through the civil court system, up to the Ohio Supreme Court.



**FEDERAL OPERATING ROTARY FUND 334**  
**EEOC/HUD APPROPRIATIONS**

Fund 334 represents spending authority as a result of work sharing agreements between the U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Housing and Urban Development (HUD) and the Ohio Civil Rights Commission (OCRC). These agencies defer charges of discrimination filed with them to the OCRC for processing and investigation.

**EEOC/HUD Revenue Funds**

**\$3,985,950**

**EXPENDITURES**

Salaries and Wages	\$2,440,065
Purchased Personal Services	146,496
Supplies and Materials	29,610
Motor Vehicles	49,573
Travel	15,419
Communications	116,586
Equipment Maintenance	50,236
Rentals	190,578
Printing	28,024
General Expenses	497,452
Equipment	4,248
Encumbrances	119,253
Federal Appropriations	298,410

**TOTAL EXPENDITURES**

**\$3,985,950**

**GENERAL REVENUE FUND (GRF)**

The General Revenue Fund is monies appropriated to the Ohio Civil Rights Commission by the General Assembly

**GRF Appropriations**

**\$7,191,648**

**EXPENDITURES**

Salaries and Wages	\$6,728,856
Purchased Personal Services	1,075
Supplies and Materials	12,973
Travel	109
Communications	3,187
Equipment Maintenance	1,399
Rentals	366,945
Printing	470
General Expenses	14,918
Equipment	59,091
Encumbrances	2,625

**TOTAL EXPENDITURES**

**\$7,191,648**

### **About the cover**

The Ohio Civil Rights Commission sponsors an Annual Art and Essay Contest honoring the legacy of Dr. Martin Luther King, Jr. 3500 Ohio schools are invited to participate. Students in grades 3 - 5 were asked to submit a poster illustrating their differences and how they can share one world. Students in grades 6-12 were asked to submit essays reflecting how their personal view of the world would change if they had an opportunity to live in another culture for a week. This year we received approximately 2000 entries.

Our front cover design was submitted by Elizabeth Gaudio, 4th Grade, Dobbins Elementary School in Poland, Ohio. Our back cover design was submitted by Megan Heilman, 5th Grade, Notre Dame Elementary School, Chardon, Ohio.

Please visit our website at [www.crc.ohio.gov](http://www.crc.ohio.gov) to view the artwork and essays submitted by all honorees.



Visit OCRC's website at:  
[www.crc.ohio.gov](http://www.crc.ohio.gov)  
For information, contact 1-888-278-7101